

1623

#10  
MCJPATENT  
ATTORNEY DOCKET NO. 013306-04-5003

RECEIVED

FEB 25 2003

TECH CENTER 1600/2000

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:

Ian Duncan RUBIN *et al.*

Application No.: 09/891,615

Filed: June 27, 2001

For: EXTRACTS, COMPOUNDS AND )  
 PHARMACEUTICAL COMPOSITIONS )  
 HAVING ANTI-DIABETIC ACTIVITY )  
 AND THEIR USE )

Group Art Unit: 1623

Examiner: Patrick T. Lewis

Director of the U.S. Patent and Trademark Office  
 Washington, D.C. 20231

Sir:

**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)**

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicants bring to the attention of the Examiner the documents listed on the attached PTO-1449. This Information Disclosure Statement is being filed, to the best of the undersigned's knowledge, before the mailing date of a first Office Action on the merits in the above-referenced application.

Each of the five (5) documents listed on this Information Disclosure Statement was cited in an European Search Report mailed on January 22, 2003 from the European Patent Office in a counterpart European application. This Information Disclosure Statement is being filed within three months of the mailing date of that communication. The relevance of the documents is listed in the attached copy of the European Search Report. Applicants respectfully request that the Examiner consider the listed documents and evidence that consideration by making appropriate notations on the attached form.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If it should be determined that any of the listed documents do not constitute "prior art" under United States law, Applicants reserve the right to present to the office the relevant facts and law regarding the appropriate status of such document.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

**EXCEPT** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or to credit any overpayment to Deposit Account No. 50-0310.

This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

**MORGAN, LEWIS & BOCKIUS LLP**

  
\_\_\_\_\_  
Gregory T. Bowen, Ph.D.  
Reg. No. 46,882

Dated: February 21, 2003

**CUSTOMER NO. 009629**  
**MORGAN, LEWIS & BOCKIUS LLP**  
1111 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004  
Tel: 202-739-3000  
Fax: 202-739-3001

## INFORMATION DISCLOSURE CITATION

(Use several sheets if necessary)

PTO Form 1449

Attorney Docket No.:  
013306-04-5003-USApplication No.:  
09/891,615Applicants: Ian Duncan RUBIN *et al.*

Filing Date: June 27, 2001

Group: 1623

## U.S. PATENT DOCUMENTS

Initial Examiner	Document Number	Date	Name	Class	Sub Class	Filing Date
	4,652,553	March 24, 1987	Hagmann <i>et al.</i>			
	5,175,154	December 29, 1992	Schwartz <i>et al.</i>			

## FOREIGN PATENT DOCUMENTS

	Document Number	Date	Country	Class	Sub Class	Translation Yes	No
	2 771 105	05/21/1999	FRANCE				X
	1 099 444 A1	05/16/2001	EP			X	
	WO 98/46243	10/22/1998	PCT			X	

## OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

Examiner

Date Considered

Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication.

RECEIVED  
FEB 25 2003  
TECH CENTER 1600/2900